

## Message Text

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ACTION DLOS-09

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NEA-10 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00  
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TO SECSTATE WASHDC 3275

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 03519

FROM LOSDEL

E.O. 11652 GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE DAILY SUMMARY - SEPTEMBER 6

SUMMARY: NG-1 CONTINUED DISCUSSION OF PARAGRAPH 5 OF ANNEX II (SELECTION OF APPLICANTS). MEETINGS OF NG-2 AND NG-3 WERE CANCELLED. THE INFORMAL MEETINGS OF COMMITTEE II COMPLETED THE ARTICLE-BY-ARTICLE REVIEW OF THE ICNT. WITH LITTLE PROGRESS MADE, NG-7 CONCLUDED THIS SESSION'S CONSIDERATION OF THE INTERIM REGIME FOR MARITIME BOUNDARY DELIMITATION. IN COMMITTEE III, MOST DELEGATIONS EXPRESSED SUPPORT FOR ARTICLES CONTAINED IN MP/27. END SUMMARY.

1. IN NG-1, DISCUSSION BEGAN WITH PARAGRAPH 5, SUBPARAGRAPH (H) OF ANNEX II. THE US ASKED THAT THE DISCRETION OF THE AUTHORITY TO DECLARE PERFORMANCE UNSATISFACTORY BE CONDITIONED UPON A FINDING UNDER THE DISPUTE SETTLEMENT ARTICLES. THE US WAS SUPPORTED BY JAPAN BUT OPPOSED BY TANZANIA, NIGERIA, CONFIDENTIAL

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COLOMBIA, AND LIBYA.

2. ON SUBPARAGRAPH (I) (JOINT ARRANGEMENTS) THE FRG ASKED THAT THE TEXT BE AMENDED TO MAKE CLEAR THAT JOINT VENTURES CANNOT BE IMPOSED BY THE AUTHORITY; WHILE ON SUBPARAGRAPH (J) (BANKING SYSTEM) THE INITIAL DISCUSSION CENTERED ON THE NATURE AND EXTENT OF JOINT

VENTURES AND THE POSSIBLE PARTICIPATION OF LDC CONSORTIA IN SEABED MINING. THE DEBATE WAS CONFUSED WITH SEVERAL UNRELATED PROPOSALS BEING PRESENTED AND ANALYZED SIMULTANEOUSLY. PAKISTAN MADE A STRONG INTERVENTION SAYING THAT IN NO CASE SHOULD THE AUTHORITY BECOME INVOLVED IN THE INTERNAL AFFAIRS OF LDC CONSORTIA NOR SHOULD THE AUTHORITY HAVE ANY JURISDICTION OVER PROCESSING.

3. DR. JAGOTA (INDIA) PROPOSED THE ADDITION OF A NEW PROVISION (VI) TO SUBPARAGRAPH (J) THAT WOULD GRANT THE AUTHORITY "... DISCRETION TO ENSURE THAT THE ENTERPRISE MAY ENGAGE IN SEABED MINING EFFECTIVELY FROM THE TIME OF ENTRY INTO FORCE OF THIS CONVENTION." THE JAGOTA PROPOSAL RECEIVED GENERAL SUPPORT FROM G-77 DELEGATIONS, AND TANZANIA AND CHILE PROPOSED THAT THE WORDING BE MADE MORE OBLIGATORY. JAPAN, FRG, UK, AND THE US OPPOSED THE INDIAN PROPOSAL, WHILE THE USSR GAVE IT LUKEWARM SUPPORT.

4. THE UK SUGGESTED THAT A TIME LIMIT BE PLACED UPON RESERVED SITES THAT WOULD ENCOURAGE THE ENTERPRISE TO EXPLOIT THEM. THE US, FRG, AND JAPAN BACKED THIS IDEA, BUT IT WAS OPPOSED BY SEVERAL G-77 DELEGATIONS WHICH SAW IT AS AN ATTEMPT BY THE INDUSTRIALIZED COUNTRIES TO DEVELOP A MONOPOLY OVER BOTH RESERVED AND

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UNRESERVED SITES.

5. AT THE END OF THE MEETING, THE FRG AND THE US ASKED THAT SUBPARAGRAPH (I) BE CLARIFIED IN SEVERAL RESPECTS: THE US THAT THE SUBPARAGRAPH PROVIDE SPECIFICALLY THAT "BANKING" TAKE PLACE AFTER PROSPECTING.

6. BOTH NG-2 AND NG-3 WERE CANCELLED.

7. INFORMAL MEETINGS OF COMMITTEE II COMPLETED THE MARCH THROUGH THE ICNT. ON ARTICLE 121 (THE REGIME OF ISLANDS) THE LIBYAN PROPOSAL, REPORTED IN THE DAILY SUMMARY FOR SEPTEMBER 5, WAS SUPPORTED BY CAMEROON, PAKISTAN, TURKEY, NICARAGUA, SOMALIA, ALGERIA, AND SENEGAL. THE LIBYAN DELEGATE SUGGESTED ADDING THAT THIS LIMITATION IN THE ENTITLEMENT OF ISLANDS SHOULD ONLY APPLY TO "OTHER THAN ISLAND STATES OR ARCHIPELAGOES." THIS WAS CLEARLY AN ATTEMPT TO DEFUSE THE OPPOSITION AND HE WAS SECONDED BY IRELAND AND IMPLICITLY BY OTHERS. ARTICLE 121 AS CONTAINED IN THE ICNT WAS SUPPORTED BY NIGERIA, TUNISIA, MOZAMBIQUE, DENMARK, JAMAICA, SWEDEN, PORTUGAL, EL SALVADOR, CANADA,

SPAIN, HAITI, GREECE, AND NEW ZEALAND. THE JAPANESE PROPOSAL TO DELETE PARAGRAPH 3 (REGARDING ROCKS) WAS SPECIFICALLY OPPOSED BY NIGERIA, PAKISTAN, MOZAMBIQUE, DENMARK, AND SPAIN.

8. THE RATHER LABORIOUS DISCUSSION ON ENCLOSED AND SEMI-ENCLOSED SEAS FOCUSED ON THREE PROPOSALS. ALGERIA, IRAQ, LIBYA, TURKEY AND ROMANIA SUBMITTED A REVISION OF THEIR GENEVA PROPOSAL: WHICH MODIFIED THE DEFINITION OF A SEMI-ENCLOSED SEA IN A MOST UNCLEAR MANNER, STRENGTHENED THE COOPERATION REQUIREMENT AMONG STATES BORDERING SEMI-ENCLOSED SEAS, ADDED A NEW ARTICLE REGARDING DELIMITATION WHICH SHOULD TAKE INTO ACCOUNT ALL THE RELEVANT CIRCUM-

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FROM LOSDEL

STANCES, AND ADDED ANOTHER NEW ARTICLE THAT THE PRESENCE OF ISLANDS AND ARTIFICIAL ISLANDS SHALL NOT AFFECT THE REGIME OF UNIMPEDED NAVIGATION IN SUCH SEAS. THE SOVIET UNION RE-INTRODUCED A PROPOSAL THAT WOULD MODIFY THE DEFINITION OF SEMI-ENCLOSED SEAS TO COVER ONLY SMALL SEAS. THE INTENT OF THE SOVIET PROPOSAL WAS TO ENSURE THAT THE MEDITERRANEAN WOULD NOT BE A SEMI-ENCLOSED SEA, AND TO BOLSTER THEIR TEHORETICAL POSITION THAT THEY COULD EXCLUDE OTHER COUNTRIES FROM SOME OF THEIR OFFSHORE AREAS. THEY ALSO PROPOSED A NEW ARTICLE THAT THIS PART OF THE CONVENTION SHALL NOT AFFECT THE RIGHTS AND DUTIES OF OTHER STATES PROVIDED FOR IN ACCORDANCE WITH THIS CONVENTION. THE THIRD PROPOSAL (BY YUGOSLAVIA) STRESSED

FREEDOM OF NAVIGATION AND OVERFLIGHT THROUGH "NARROW OUTLETS" LEADING INTO AND OUT OF SEMI-ENCLOSED SEAS. THE DEBATE WAS SHARPLY SPLIT AND THERE WAS NO BASIS FOR ANY OF THESE SUGGESTED CHANGES TO BE INCORPORATED IN A FUTURE REVISION OF THE ICNT. FINLAND COULD SUPPORT THE ALGERIAN, ET AL, PROPOSAL IN PRINCIPLE AS WELL AS THE NEW SOVIET ARTICLE AND PREFERRED A DEFINITION THAT RELIED  
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STRICTLY ON GEOGRAPHICAL CRITERIA. BULGARIA AGREED WITH FINLAND AND COULD ALSO ACCEPT THE ALGERIAN AMENDMENT REGARDING NAVIGATION AND THE YUGOSLAV AMENDMENT WITH CERTAIN MODIFICATIONS. ROMANIA SUPPORTED ALGERIA AND YUGOSLAVIA WHILE POLAND BACKED ALGERIA AND THE USSR. THE US, FRG, UK, SPAIN AND GREECE FAVORED DELETING THE PART ALTOGETHER OR LEAVING THE ICNT AS IT IS, WITH SPAIN AND GREECE SUPPORTING THE NEW SOVIET ARTICLE IF THE ICNT PROVISION WERE RETAINED. THE GDR FAVORED DELETION OF THE PART OR LEAVING THE ICNT AS IT IS BUT SUPPORTED BOTH SOVIET AMENDMENTS. FRANCE, TUNISIA, IRAN, AND SWEDEN SUGGESTED LEAVING THE TEXT AS IT IS. CYPRUS AND ITALY COULD SUPPORT THE TEXT AS IT IS OR HAVE IT DELETED BUT COULD ACCEPT THE YUGOSLAV AMENDMENT. MALTA PREFERRED THE ICNT BUT FLIRTED WITH CERTAIN ASPECTS OF THE YUGOSLAV AND ALGERIAN AMENDMENTS. ISRAEL FELT THAT THE PART WAS UNNECESSARY BUT IF IT WERE TO BE RETAINED, IT ONLY MADE SENSE IF IT MADE CLEAR THAT THE TRANSIT PASSAGE REGIME OF STRAITS APPLIED TO OUTLETS LEADING TO AND FROM SEMI-ENCLOSED SEAS.

9. THERE WAS A VERY BRIEF DISCUSSION ON THAT PART OF THE ICNT DEALING WITH LANDLOCKED STATE ACCESS TO THE SEA. NO AMENDMENTS WERE PUT FORWARD BECAUSE, IN FACT, THIS PART HAD BEEN NEGOTIATED SOME TIME AGO. HOWEVER, PAKISTAN AND AFGHANISTAN TOOK OFF THE GLOVES, WITH PAKISTAN STRESSING THAT THERE IS NO RIGHT OF ACCESS OR TRANSIT FOR LANDLOCKED STATES AND THAT THE ICNT IS UNACCEPTABLE IN THAT REGARD, AND AFGHANISTAN STATING THAT THE RIGHT ALREADY EXISTS.

10. EIGHT BRIEF INTERVENTIONS IN NG-7 CONCLUDED THIS SESSION'S CONSIDERATION OF THE INTERIM REGIME FOR MARITIME BOUNDARY DELIMITATION. NO SIGNIFICANT PROGRESS TOWARD  
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AGREEMENT WAS MADE. IN GENERAL, DELEGATIONS CONTINUE TO SUPPORT PREVIOUSLY ARTICULATED POSITIONS IN FAVOR EITHER

OF THE MEDIAN LINE AS A PROVISIONAL DELIMITATION OR OF A REQUIREMENT FOR AGREEMENT ON PROVISIONAL MEASURES. ALTHOUGH SUPPORT FOR AND OPPOSITION TO AN EXPLOITATION MORATORIUM AS AN INTERIM SOLUTION DID NOT DIVIDE CLEANLY ALONG THESE POSITION LINES, IT WAS NOT CLEAR THAT THE MORATORIUM IDEA HAD SUFFICIENT SUPPORT EVEN TO JUSTIFY FURTHER STUDY. AMONG THE SPEAKERS ONLY YUGOSLAVIA EXPRESSED ACTIVE INTEREST IN IT. CUBA, ITALY, THE SEYCHELLES, AND NORWAY ALL INDICATED SOME DEGREE OF DIS-APPROVAL, AND THE REMAINING DELEGATIONS MADE NO COMMENT ON THE IDEA. OVER THE THREE DAYS OF DEBATE, EIGHTEEN DELEGATIONS OPPOSED AN IMPOSED MORATORIUM, AGAINST TEN WHICH SPOKE IN FAVOR OF IT.

11. AT AN INFORMAL MEETING OF COMMITTEE III, CHAIRMAN VALLARTA SOLICITED REACTION TO DOCUMENT MP/27 (SENT SEPTEL). THERE WERE 38 INTERVENTIONS BY STATES REPRESENTING ALL GEOGRAPHIC AREAS. DESPITE EXPRESSIONS OF PREFERENCE FOR THE ICNT OR OTHER FORMULATIONS, IN A SPIRIT OF COMPROMISE, MOST DELEGATIONS EXPRESSED THEIR SUPPORT FOR THE ARTICLES CONTAINED IN MP/27 ALTHOUGH MANY EXPRESSED RESERVATIONS WITH RESPECT TO ONE OR MORE OF THE ARTICLES. SPECIFIC OBJECTIONS WERE ENTERED BY TANZANIA (WITH RESPECT TO ARTICLE 212 (2) BIS) AND BY GREECE (WITH RESPECT TO ARTICLE 222). (PRIVATELY, GREECE INDICATED ITS CRITICISM WAS ENTERED IN ERROR AND IT HAD ONLY INTENDED TO RESERVE ON THIS ISSUE). LIBERIA, GDR, SINGAPORE, ISRAEL, GREECE, AND URUGUAY RESERVED ON ARTICLE 212 (2) BIS. LIBERIA AND TANZANIA RESERVED REGARDING ARTICLE 221 (6); AND SOMALIA, TANZANIA, AND ECUADOR RESERVED WITH RESPECT TO ARTICLE 231. THE FRG, UK, USSR, AND ITALY CONDITIONED ACCEPTANCE OF MP/27 ON THE PREMISE THAT THERE WOULD BE NO OTHER CHANGES IN THESE ARTICLES. FROM THE DISCUSSION, IT WOULD APPEAR THAT CHAIRMAN VALLARTA CAN PUT FORWARD

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THE PROPOSALS IN MP/27 AS TEXTS EMERGING FROM INFORMAL NEGOTIATIONS IN THE THIRD COMMITTEE WHICH OFFER A

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FROM LOSDEL

SUBSTANTIALLY IMPROVED PROSPECT OF A CONSENSUS. THESE TEXTS WILL NEXT BE CONSIDERED IN A FORMAL MEETING OF COMMITTEE III UNDER CHAIRMAN YANKOV (BULGARIA) WHERE ALL DELEGATIONS MAY ONCE AGAIN EXPRESS THEIR VIEWS ON THE RECORD. ONLY AT THE CONCLUSION OF THIS FORMAL MEETING WILL THE ULTIMATE DISPOSITION OF THE US POLLUTION PROPOSALS BE KNOWN; HOWEVER, IF THE DEBATE FOLLOWS THE SAME LINE JUST REPORTED, IT WOULD BE POSSIBLE FOR YANKOV TO ADVISE THE PLENARY THAT ALL OF THE ARTICLES IN MP/27 AS WELL AS THOSE PREVIOUSLY REPORTED AS HAVING ACHIEVED CONSENSUS AT GENEVA SHOULD BE INCLUDED IN ANY REVISION OF THE ICNT.

12. A FINAL ITEM OF BUSINESS WAS THE INTRODUCTION OF A TANZANIAN PROPOSAL, MP/28, WHICH WOULD CHANGE ALL REFERENCES TO "THE COMPETENT INTERNATIONAL ORGANIZATION" FROM THE SINGULAR TO THE PLURAL, WOULD ELIMINATE THE REQUIREMENT OF PRIOR APPROVAL OF SPECIAL AREAS BY THE COMPETENT INTERNATIONAL ORGANIZATION IN ARTICLE 212 (5), AND WOULD DELETE ARTICLE 229. ALTHOUGH DISCUSSION WAS CONFIDENTIAL

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LIMITED, REACTION BY MARITIME STATES WAS UNIFORMLY NEGATIVE WITH THE UK, GREECE, AND THE SOVIET UNION INTERVENING. THE USSR DECLARED THE PROPOSAL WAS "ABSOLUTELY UNACCEPTABLE." IT IS BELIEVED TANZANIA INTRODUCED MP/28 AT THIS LATE DATE TO PREVENT THE CLOSING-DOWN OF NEGOTIATIONS IN THE THIRD COMMITTEE.

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## Message Attributes

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